

## REGISTER OF CLASSIFICATION DECISIONS

Date of entry in Register:	27 September 2000
Name of applicant/court:	Comptroller of Customs
Applicant to the Labelling Body:	Not Applicable
Title of Publication:	Bound & Gagged Issue 66
Other Known Titles:	Bound & Gagged Issue 66 September/October 1998
Director:	Not Applicable
Producer:	Not Applicable
Publisher:	Bob Wingate
Editor:	Bob Wingate
Format:	Magazine
Country of Origin:	USA
Language:	English

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**Components of film originally examined:** Not Applicable.

Feature:	Running time:
Trailers:	Running time:
	Total Running time:

Excision/Alteration: Not Applicable.

Reason(s) for Excision:

Not Applicable.

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Classification Decision:

Objectionable.

Display Conditions:

Not Applicable.

Descriptive Note:

Not Applicable.

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Direction to issue a label has been given on: Not Applicable.

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**SUMMARY OF THE REASONS FOR DECISION:**

The magazine entitled *Bound & Gagged Issue 66* is classified as:  
Objectionable.

The magazine centres on the depiction and description of sexual activity, specifically bondage activity, between consenting adult males.

The magazine is deemed objectionable under s3(2)(a) of the Films, Videos, and Publications Classification Act 1993 (FVPC Act) because it tends to support the exploitation of young persons for sexual purposes. It does this by presenting two descriptions of sexual activity between adult males and 13 year old boys. These are included amongst a number of explicit and detailed descriptions of sexual and bondage experiences between adult men, which are clearly intended to arouse the viewer. This material implicitly presents young persons as desiring sexual activity and as viable and desirable sexual partners.

The New Zealand Bill of Rights Act 1990 (NZBR Act) has been considered in relation to this publication. As a deeming provision, s3(2) of the FVPC Act is evidence of Parliament's intention that publications to which those criteria apply should be banned. It is therefore not possible to give s3(2) an interpretation that is consistent with the freedom of expression contained in the NZBR Act. The classification of "objectionable" is the only restriction on the freedom of expression that is available to prevent injury to the public good, and which is consistent with the intention that publications such as *Bound & Gagged Issue 66* should be banned.

OFLC Ref: 194